



US Army Corps
of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Number: 200500259

Date: November 24, 2006

Comments Due: December 29, 2006

SUBJECT: The U.S. Army Corps of Engineers, (USACE) Sacramento District, is evaluating a permit application to construct the Empire West/Athens 65, LLC (Wang Property) project on a 30.05 acre site. The project would result in direct and indirect impacts to approximately 2.64 acres of waters of the United States (0.84 direct, 1.80 indirect), including wetlands, in or adjacent to an unnamed tributary to Orchard Creek, which flows to the Sacramento River via Auburn Ravine, Main Canal, and Cross Canal. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Sacramento USACE web site at <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Empire West/Athens 65, LLC
Steve Lefler
2250 Douglas Boulevard, Suite 200
Roseville, California 95661
916-677-8117

LOCATION: The project site is located between State Highway 65 and Industrial Avenue at the southeast corner of the intersection of Industrial Avenue and Athens Avenue in Sections 3 & 4, Township 11 North, Ranch 6 East on the Roseville USGS Quadrangle in western Placer County, California.

PROJECT DESCRIPTION: Based on the available information, the overall project purpose is to construct a business park and commercial campus development. The applicant believes there is a need to provide employment opportunities in southern Placer County with access to the Highway 65 corridor. The attached drawings provide additional project details.

The project would subdivide the 30.05 acres parcel into an employment center, potentially a hotel, an access road from Industrial Boulevard at the Athens signalized intersection, and on-site preservation of approximately 17 acres of wetlands and habitat. The employment center would include a mixture of 2 to 3-story office buildings and other 1-story business park buildings.

Approximately 162,000 square feet of facilities would be built on 18 or more separate parcels. The 60-foot access road would include a landscaped median separating two lanes of traffic in each direction. Turn lane improvements are proposed along Industrial Avenue into and out of the project site. New turn lanes would be constructed within the Industrial Avenue right-of-way along the western boundary of the project site.

A sanitary sewer line would be installed under the access road and under Industrial Avenue approximately 800 feet north of the project site where it will tie in to a future sewer line extension provided by the City of Lincoln.

ADDITIONAL INFORMATION:

Environmental Setting. There are total of 2.26 acres of waters of the United States on the project site. These waters are comprised of 1.57 acres of vernal pools, 0.09 acres of seasonal wetland swale, 0.15 acre of roadside drainage ditch and 0.45 acre of channels. The site is characterized by non-native annual grasslands composed of several plant communities associated with vernal pools, depressional seasonal wetland swales and channels.

Alternatives. The applicant has provided information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

Mitigation. The USACE requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the USACE may require compensatory mitigation. The applicant proposes to preserve more than one-half of the 30.05 acre site (17.5 acres) in which vernal pool habitat predominates the landscape. The 17.5 acre preservation area, includes approximately 1.42 acres of waters of the United States, including wetlands as well as an undisturbed seasonal tributary to Orchard Creek. The preservation area would be subject to a conservation easement and open space management plan that were prepared using the latest guidance from the Sacramento District Army Corps of Engineers.

The on site preservation area has been located so that it is consistent with current preservation proposals for the Lincoln 270 project site located adjacent to the northern boundary of the proposed project site. The conservation/mitigation area proposed for the Lincoln 270 project site included the preservation of lands along the project's southern boundary, and a seasonal tributary to Orchard Creek immediately downstream of the proposed Athens 65 project site.

Assuming the area immediately north of the proposed project site is set aside as a conservation/mitigation area, preservation of a seasonal tributary to Orchard Creek on the proposed project site will ensure the tributary (as it currently exists) would be preserved in perpetuity. In addition, the proposed preservation area would maintain a migration corridor for any wildlife (fairy shrimp, coyote, skunk, beaver, badger, raccoon, opossum, and various amphibians and reptiles) travelling from south of the proposed project area, along the tributary and adjacent uplands to the Orchard Creek conservation bank, the habitat preserve planned for the Lincoln 270 project, and other undeveloped rural properties located downstream (northwest) of the project site.

The applicant proposes to preserve wetlands on and off site at a minimum ratio of 2:1 acres, and restore and create wetlands at a minimum ratio of 1:1 acre. However, to date the applicant has not submitted a mitigation plan.

OTHER GOVERNMENTAL AUTHORIZATIONS:

California Regional Water Quality Control Board (RWQCB): Under Section 401 of the Clean Water Act (33 U.S.C. 1341); water quality for has been denied for all Individual Permits in the State of California. Therefore, water quality certification or a waiver must be obtained by the applicant in order for USACE to issue a permit under Section 404 of the Clean Water Act. The applicant has stated they will submit a request of State water quality certification to the RWCQB as soon as the project's California Environmental Quality Act documentation is complete.

HISTORIC PROPERTIES: Peak & Associates, Inc. conducted site evaluation and prepared a Determination of Eligibility and Effect report for the proposed project. One previously recorded site was identified adjacent to the north side of the property: CA-PLA-1122H is the remnant of a dry-laid rock wall, replaced with a wire fence with both wooden and metal posts.

ENDANGERED SPECIES: The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat. On August 8, 2006, the USACE initiated consultation with the U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of the Endangered Species Act, as appropriate. The USFWS responded on August 31, 2006, with a request for further information. The applicant and USFWS will continue to address the issues outlined in that letter until all of the issues are resolved.

ESSENTIAL FISH HABITAT: The proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The USACE is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the USACE to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water

quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200500259, must be submitted to the office listed below on or before December 29, 2006:

Nancy A. Haley, Project Manager
US Army Corps of Engineers, Sacramento District
Sacramento Valley Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: Nancy.A.Haley@usace.army.mil

The USACE is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the USACE determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the USACE project manager Nancy A. Haley, 916-557-7731, Nancy.A.Haley@usace.army.mil.

Attachments: 4 drawings